

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2021-360-T - ORDER NO. 2022-178

APRIL 11, 2022

IN RE: Petition of the Office of Regulatory Staff to) ORDER REVOKING
Revoke Certificates of Public Convenience) CERTIFICATES
and Necessity of Certain Motor Carriers for)
Failure to File Annual Reports and/or Gross)
Receipts 2021)

I. INTRODUCTION

This matter comes before the Public Service Commission of South Carolina ("Commission") under the authority of S.C. Code Ann. Section 58-23-10 *et seq*, and 58-4-10 *et seq*, on the Petition ("Petition") of the Office of Regulatory Staff ("ORS") to revoke the Certificates of Public Convenience and Necessity ("Certificate") of certain motor carriers for failure to file annual reports and/or gross receipts. The Petition was filed on November 22, 2021. Exhibit A to the Petition contains the initial list of motor carriers that failed to file annual reports at the time the Petition was filed, and Exhibit B to the Petition contains the initial list of those motor carriers that failed to file gross receipts.

The evidentiary hearing was held on March 9, 2022. Chairman Justin T. Williams presided. ORS, a party of record pursuant to S.C. Code Ann. § 58-4-10(B) (Supp. 2021), was represented by C. Lessie Hammonds, Esquire.

II. FACTS AND EVIDENCE OF RECORD

At the hearing, Thomas McGill, an employee of ORS's Broadband, Communications, and Safety Division, testified that ORS regularly maintains certain

business records of Commission-certified motor carriers. He specifically focused his discussion on annual reports and gross receipts. Mr. McGill reviews these records as a part of his duties and responsibilities at ORS, and as a result of his review, he testified certain motor carriers were out of compliance for failing to submit the required annual reports and gross receipts.

The lists of noncompliant carriers, contained in the Petition, and Mr. McGill's Affidavit, were filed with the Commission on November 22, 2021. An updated version of the lists were submitted at the hearing on March 9, 2022, and entered as Hearing Exhibits 2 and 3. Mr. McGill testified that ORS notified these particular carriers of their noncompliance several times by mail and email. However, none of the carriers on the updated exhibit lists responded to the notice or appeared at the hearing.

During the Commission's examination of Mr. McGill, a question arose about the status and inclusion of a particular motor carrier, Lange Moving Systems, Incorporated ("Lange"). Following the hearing, ORS submitted late filed Hearing Exhibit 4, outlining why Lange was correctly included in its list of noncompliant motor carriers. ORS also noted that one of the motor carriers, Westbrook Charleston, LLC ("Westbrook"), filed a Request for Cancellation just prior to the hearing. As Westbrook's request had not yet been heard or ruled upon by the Commission, Westbrook remained on ORS's list of noncompliant motor vehicle carriers.

III. APPLICABLE LAW

The Commission is authorized to grant certification to motor carriers operating for compensation and is responsible for the regulation of said motor carriers. S.C. Code Ann. § 58-23-10 *et seq.* (2015 and Supp. 2021). ORS is charged with the duty to represent the

public interest before the Commission and has authority to enforce the collection of annual reports and the filing of gross receipts. S.C. Code Ann. § 58-4-10 (Supp. 2021). Motor carriers operating under a Certificate are required to file annual reports for the preceding calendar year. S.C. Code Ann. Regs. 103-231 (2012). The annual report is due by March 31st of each year. *Id.*

ORS may also require the production of books, records, and other information. S.C. Code Ann. § 58-4-55 (Supp. 2021). Gross receipts records are collected by ORS and used by the South Carolina Department of Revenue to assess public utilities under the Commission's jurisdiction. S.C. Code Ann. §§ 58-3-100 (2015), 58-3-540(2015), and 58-4-60 (Supp. 2020). According to ORS's Petition, gross receipts were due to ORS by August 31, 2021.

The consequences of failing to file annual reports and other required filings are as follows:

The commission may, after a hearing, order the suspension, revocation, alternation, or amendment of any certificate. . . .if it is proved that the holder of the certificate. . . .willfully violated or refused to observe the laws of this State touching motor vehicle carriers or willfully violated any of the terms of his certificate or of the commission's proper orders, rules or regulations.

S.C. Code Ann. § 58-23-320 (2015). Moreover, according to South Carolina Regulations,

[t]he commission may at any time, after notice and opportunity to be heard, suspend, revoke, alter, or amend any certificate, if it shall be made to appear that the holder has willfully violated or refused to observe orders, rules, or regulations prescribed by the commission, provisions of the Motor Vehicle Carrier Law, or any other law of this State regulating motor carriers for hire and applicable to the holder of such certificate. . . .

S.C. Code Ann. Regs. 103-240 (2012).

IV. FINDINGS OF FACT

After review of the Application and all of the evidence in the record, the Commission makes the following findings of fact:

1. The Commission finds that ORS's Petition regarding the motor carriers that were initially included on Petition Exhibits A and B, but that are now in compliance with annual reports and gross receipts requirements, as shown by their absence on Revised Exhibits A and B, should be dismissed.

2. The Commission finds that the Certificates of those carriers that remained out of compliance with annual reports and gross receipt requirements at the time of the hearing, as indicated by Revised Exhibits A and B, should be revoked and cancelled.

V. CONCLUSIONS OF LAW

After review of the Petition and all of the evidence in the record, the Commission makes the following conclusions of law:

1. The Commission concludes that the Certificates of those carriers that remained out of compliance with annual reports and gross receipts requirements at the time of the hearing, as indicated by Revised Exhibits A and B, are hereby revoked and cancelled. S.C. Code Ann. § 58-23-320 (2015) and S.C. Code Ann. Regs. 103-240 (2012).

VI. ORDERING PROVISIONS

IT IS THEREFORE ORDERED:

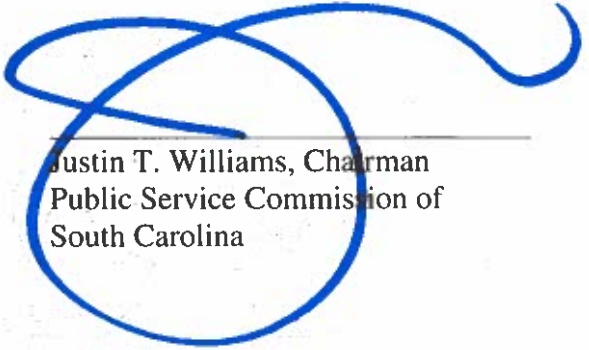
1. The Certificates of Public Convenience and Necessity held by those noncompliant motor carriers in the lists submitted at the hearing as Revised Exhibits A and

B, which are attached to this Order as Order Exhibit 1, are revoked and cancelled. All operating rights of these carriers are null and void.

2. The Petition of ORS against those carriers that are now in compliance is dismissed.

3. This Order shall remain in full force and effect until further order of the Commission.

BY ORDER OF THE COMMISSION:



Justin T. Williams, Chairman
Public Service Commission of
South Carolina

Revised Petition Exhibit A
 Docket No. 2021-360-T
 Carrier out of Compliance for Failure to File Annual Reports 2021
 March 9, 2022

#	Company Name	DBA	Certificate Type	Address	City	State	Zip	Docket #	Order #	Date Certified	Secretary of State Standing
1	Affordable Movers SC, LLC		Class E HHG	106 Silver Shoals Cir	Marietta	SC	29661	2019-335-T	2020-52	43874	Good Standing
2	Forbes Distribution & Warehousing, Inc.		Class E HHG	3183 Fred Nash Blvd	Myrtle Beach	SC	29577	1996-200-T	1996-816	35394	Good Standing
3	Lange Moving Systems, Inc.		Class E HHG	200 Hickory Meadow Rd	Lexington	SC	29072	1997-407-T	1998-418	35951	Good Standing
4	MLCB, Inc.	College Hunks Hauling Junk and Moving	Class E HHG	3105 Spring Grove Rd Unit D-S	Augusta	GA	30906	2019-342-T	2020-54	43866	Good Standing
5	We Haul Services, Inc.		Class E HHG	PO BOX 7751	Hilton Head Island	SC	29938	1997-171-T	1997-952	35741	Good Standing
6	Westbrook Charleston, LLC		Class E HHG	2203 E Marshall St	Richmond	VA	23223	2016-217-T	2016-609	42634	Good Standing
7	William Seabrook, Jr.	Seabrook Transfer Company	Class E HHG	2139 Josephine Rd	Mt Pleasant	SC	29466	2007-344-T	2008-232	39541	N/A

Revised Petition Exhibit B
Docket No. 2021-360-T
Carriers Out of Compliance for Failure to File Gross Receipts 2021
March 9, 2022

#	Company Name	DBA	Certificate Type	Address	City	State	Zip	Docket #	Order #	Date Certified	Secretary of State Standing
1	Affordable Movers SC, LLC		Class E HHG	106 Silver Shoals Cir	Marietta	SC	29661	2019-335-T	2020-52	43874	Good Standing
2	Forbes Distribution & Warehousing, Inc.		Class E HHG	3183 Fred Nash Blvd	Myrtle Beach	SC	29577	1996-200-T	1996-816	35394	Good Standing
3	Lange Moving Systems, Inc.		Class E HHG	200 Hickory Meadow Rd	Lexington	SC	29072	1997-407-T	1998-418	35951	Good Standing
4	MICB, Inc.	College Hunks Hauling Junk and Moving	Class E HHG	3105 Spring Grove Rd Unit D-5	Augusta	GA	30906	2019-342-T	2020-54	43866	Good Standing
5	We Haul Services, Inc.		Class E HHG	PO BOX 7751	Hilton Head Island	SC	29928	1997-171-T	1997-952	35741	Good Standing
6	Westbrook Charleston, LLC		Class E HHG	2203 E Marshall St	Richmond	VA	23223	2016-217-T	2016-609	42634	Good Standing
7	William Seabrook, Jr.	Seabrook Transfer Company	Class E HHG	2139 Josephine Rd	Mt Pleasant	SC	29466	2007-344-T	2008-232	39541	N/A